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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047581
Party	Defendant Mor-Nutech, Inc.
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Date	03/19/2008
Attachments	320-003 Brief in Reply to Petitioner's Opposition Against Cross-Motion.pdf (3 pages)(18580 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

ACTIBIOL, S.A.

Petitioner,

v.

MOR-NUTECH, INC.

Registrant.

Cancellation No. 92047581

Trademark: CAPSOL-T

Registration No.: 3,149,821

**BRIEF IN REPLY TO PETITIONER'S OPPOSITION AGAINST REGISTRANT'S
CROSS-MOTION FOR SUMMARY JUDGMENT**


In response to Petitioner's Opposition Against Registrant's Cross-Motion for Summary Judgment filed February 28, 2008, Registrant submits this Brief in Reply.

Petitioner has shown only that in its subjective view it owns rights in the trademark "CAPSIBIOL-T" in the United States that would be damaged by registration of "CAPSOL-T". However, the Petitioner has failed to show any reasonable basis in fact for this view as is required by *Ritchie v. Simpson*, 170 F.3d 1092, 1095 (Fed. Cir. 1999).

All documentation of record herein provided by both parties clearly establishes ownership of U.S. rights in CAPSIBIOL-T as belonging to Mor-NuTech. None of this documentation provides any reasonable basis in fact for Petitioner to believe it owns U.S. rights in this trademark. Thus, the Petitioner has no reasonable basis in fact to believe it has rights that could be damaged by the registration of CAPSOL-T.

Dismissal of this proceeding for lack of standing by Petitioner is therefore respectfully requested.

Respectfully submitted,
MOR-NUTECH, INC.

By 

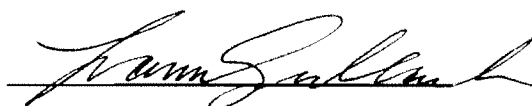
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CERTIFICATE OF SERVICE

I certify that a copy of this paper was sent by first-class mail, this 19th day of March, 2008, postage prepaid, to the last known address of the attorney of record for Petitioner, as follows:

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